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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,558

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Robert F. Day

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EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2439

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,558	Applicant(s) DAY ET AL.	
	Examiner Roderick Tolentino	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 29 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/06/2009 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 12 and 19 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment by applicant on 11/06/2009.

Claim Rejections - 35 USC § 101

4. Claims 1 – 11 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S.

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584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

5. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

6. As per claim 1, applicant's method steps recited in the claims are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell et al. U.S. PG-Publication No. (2002/0095591) in view of Sim U.S. PG-Publication No. (2003/0129975).

9. As per claims 1, 12 and 19, Daniell teaches recognizing user input data relevant to a first application as a user choice setting associated with the first application, wherein the user choice setting determines at least one property of execution of at least one event of the first application (Daniell, Paragraphs 0008 and 0014, security profile with an original state with rules to prevent access to a computer), receiving a request from the second application to modify the user choice setting associated with the first application (Daniell, Paragraph 0014, security application monitors changes in the security profile application if there are changes, if there a changes the application will change the security profile back to its original state) and modifying the access control indicator to permit modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application, modifying the user choice setting in accordance with the received user (Daniell, Paragraph 0014, security application monitors changes in the security profile application if there are changes, if there a changes the application will change the security profile back to its original state), and restoring the access control indicator to prohibit further modification by the second application of the user choice setting associated with the first application, wherein each step is executed on a computing device of the user (Daniell, Paragraph 0014, security application monitors changes in the security profile application if there are changes, if there a changes the application will change the security profile back to its original state) but fails to teach securing the user choice setting as a protected value using an access control indicator, wherein the access control indicator prohibits the second application from modifying the user choice

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setting associated with the first application without authorization from a user, in response to receiving the request from the second application to modify the user choice setting associated with the first application, generating an approval user interface requesting authorization from the user to modify the user choice setting associated with the first application to be consistent with the modification request received from the second application, receiving input from the user approving the modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application. However, in an analogous art Sim teaches securing the user choice setting as a protected value using an access control indicator, wherein the access control indicator prohibits the second application from modifying the user choice setting associated with the first application without authorization from a user (Sim, Paragraph 0023, user inputs approval to a setting change), in response to receiving the request from the second application to modify the user choice setting associated with the first application, generating an approval user interface requesting authorization from the user to modify the user choice setting associated with the first application to be consistent with the modification request received from the second application (Sim, Paragraph 0023, user inputs approval to a setting change), receiving input from the user approving the modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application (Sim, Paragraph 0023, user inputs approval to a setting change).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Sim's method of performing communication function with Daniell's System for protecting a security profile of a computer system because it offers the advantage of ensuring that changes to a user's settings are not done without the user's approval (Sim, Paragraph 0023).

10. Claims 2 – 8, 10, 11, 14 – 18, 20 – 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell et al. U.S. PG-Publication No. (2002/0095591) and Sim U.S. PG-Publication No. (2003/0129975) and in further view of Siegel et al. U.S. PG-Publication No. (2002/0143961).

11. As per claims 2 and 20, Daniell fails to teach wherein the user's computing device has an operating system with a registry and the protected value is a registry key stored in the registry and the access control indicator is an access control list (ACL) that has been initialized to prevent writing to the protected value. However, in analogous art Siegel teaches wherein the user's computing device has an operating system with a registry and the protected value is a registry key stored in the registry (Siegel, Paragraphs 0019 and 0020, user preferences stored in a database) and the access control indicator is an access control list (ACL) that has been initialized to prevent writing to the protected value (Siegel, Paragraph 0004 and 0039, user permissions stored in a database with modification settings, use of passwords protect an account).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to use Siegel's access control protocol for user profile

management with Daniell's System for protecting a security profile of a computer system because it offers the advantage of preventing access to certain permissions by unauthorized parties (Siegel, Paragraph 0008).

12. As per claims 3, 16 and 21, Daniell as modified teaches herein the user's computing device has an operating system with a registry and modifying the access control indicator to permit writing to the protected value includes providing to the user rights to modify the ACL in accordance with the security subsystem of the operating system (Siegel, Paragraphs 0020 and 0026, once a party whether the user or administrator is verified or authenticated, changes to the settings maybe made thus taking a way any protection indicators).

13. As per claims 4, 17 and 22, Daniell as modified teaches modifying the access control indicator to permit writing to the protected value includes providing to the user ownership of the registry key that the ACL secures, wherein ownership of the registry key automatically provides to the user rights to modify the ACL in accordance with the security subsystem of the operating system (Siegel, Paragraph 0026, once a party whether the user or administrator is verified or authenticated, changes to the settings maybe made thus taking a way any protection indicators).

14. As per claims 5, 18 and 23, Daniell as modified teaches modifying the access control indicator to permit writing to the protected value includes allowing the user to temporarily take ownership of the registry key that the ACL secures after receiving the input from the user authorizing the application to modify the user choice setting on the user's behalf (Siegel, Paragraph 0026, once a party whether the user or administrator is

verified or authenticated, changes to the settings maybe made thus taking a way any protection indicators).

15. As per claim 6, Daniell as modified teaches restoring the access control indicator to prevent writing to the protected value includes removing user rights to modify the ACL in accordance with the security subsystem of the operating system (Siegel, 0026, inherent that once a user or administrator is done modifying the profile the user or administrator will log out and the profile will be protected from modifications until another party is verified and authenticated) and herein modifying the access control indicator to permit modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application includes modifying the access control indicator to permit the second application to write to the protected value (Daniell, Paragraph 0014, security application monitors changes in the security profile application if there are changes, if there a changes the application will change the security profile back to its original state).

16. As per claims 7 and 25, Daniell as modified teaches removing user rights to modify the ACL includes returning ownership of the registry key that the ACL secures to the operating system (Siegel, 0026, inherent that once a user or administrator is done modifying the profile the user or administrator will log out and the profile will be protected from modifications until another party is verified and authenticated).

17. As per claims 8 and 26, Daniell as modified teaches generating a user choice setting user interface (UI), displaying the current user choice setting on the UI along with other options for the user choice setting (Siegel, Paragraph 0026, interface for user

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to modify settings) and receiving input from the user approving the modification of the user choice setting comprises receiving input from the user in accordance with at least one of the displayed options (Sim, Paragraph 0023, user inputs approval to a setting change).

18. As per claims 10, 14 and 28, Daniell as modified teaches the user choice settings of a task association, this choice being one of the options listed by the applicant's claim language (Siegel, Paragraph 0004, user can change permissions regarding the task of what clients have access to).

19. As per claims 11, 15 and 29, Daniell as modified teaches the registered client setting includes at least one of a Web browser, this choice being one of the options listed by the applicant's claim language (Siegel, Paragraph 0026, web browser).

20. As per claim 24, Daniell as modified teaches the instruction to lock the ACL to prevent writing to the protected value includes an instruction to remove user rights to modify the ACL in accordance with the security subsystem of the operating system (Siegel, 0026, inherent that once a user or administrator is done modifying the profile the user or administrator will log out and the profile will be protected from modifications until another party is verified and authenticated).

21. Claims 9, 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell et al. U.S. PG-Publication No. (2002/0095591) and Sim U.S. PG-Publication No. (2003/0129975) in view of Siegel et al. U.S. PG-Publication No. (2002/0143961) and in view of Giordano, III et al. U.S. Patent No, (6,370,141).

22. As per claims 9, and 27, Daniell fails to teach generating a change notification to the user whenever the user choice setting has been modified, the change notification identifying the application that modified the user setting and the contents of the protected value before and after the modification. However, in an analogous art Giordano teaches generating a change notification to the user whenever the user choice setting has been modified, the change notification identifying the application that modified the user setting and the contents of the protected value before and after the modification (Giordano, Col. 4, Lines 15 – 24, user notification of changes).

At the time the invention was made, it could have been obvious to a person of ordinary skill in the art to use Giordano's apparatus for configuring internet appliance with Daniell's System for protecting a security profile of a computer system because it offers the advantage of letting a user know of changed made to a system (Giordano, Col. 4, Lines 15 – 24, user notification of changes).

23. As per claim 13, Daniell as modified teaches wherein the approval user interface, upon obtaining approval to modify the user choice setting, modifies the ACL to permit writing to the protected value in the registry key (Sim, Paragraph 0023, user inputs approval to a setting change), wherein the approval user interface writes to the protected value the modified user choice setting (Sim, Paragraph 0023, user inputs approval to a setting change), wherein the approval user interface restores the ACL to prevent writing to the protected value in the registry key after writing the modified user choice setting and wherein the approval user interface notifies the user whenever the approval user interface writes to the protected value, including notifying the user of a

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content of the protected value before and after the approval user interface writes to the protected value and an identity of the application that requested the modification (Giordano, Col. 4, Lines 15 – 24, user notification of changes).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2439

Roderick Tolentino
Examiner
Art Unit 2439

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/R. T./
Examiner, Art Unit 2439